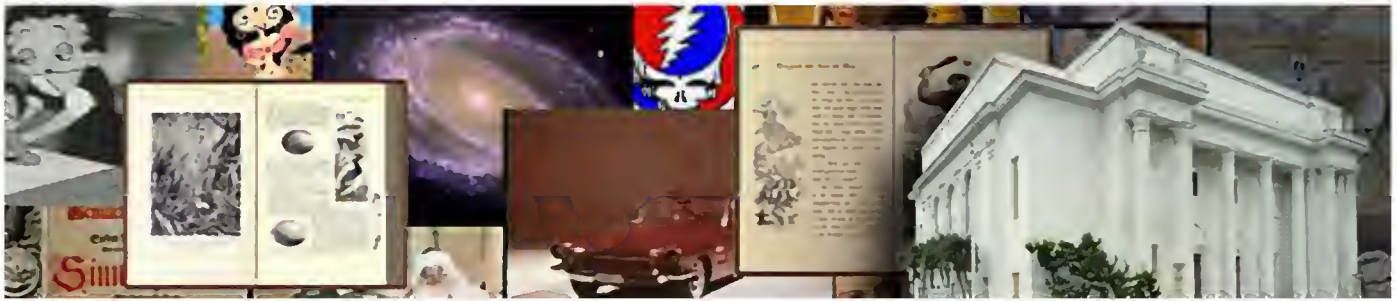


# Internet Archive Blogs

*A blog from the team at archive.org*



## Libraries lend books, and must continue to lend books: Internet Archive responds to publishers' lawsuit

Posted on July 29, 2020 by Brewster Kahle



Yesterday, the Internet Archive filed our [response](#) to the lawsuit brought by four commercial publishers to end the practice of Controlled Digital Lending (CDL), the digital equivalent of traditional library lending. CDL is a respectful and secure way to bring the breadth of our library collections to digital learners. Commercial ebooks, while useful, only cover a small fraction of the books in our libraries. As we launch into a fall semester that is largely remote, we

must offer our students the best information to learn from—collections that were purchased over centuries and are now being digitized. What is at stake with this lawsuit? Every digital learner's access to library books. That is why the Internet Archive is standing up to defend the rights of hundreds of libraries that are using Controlled Digital Lending.

The publishers' lawsuit aims to stop the longstanding and widespread library practice of [Controlled Digital Lending](#), and stop the hundreds of libraries using this system from providing their patrons with digital books. Through CDL, libraries lend a digitized version of the physical books they have acquired as long as the physical copy doesn't circulate and the digital files are protected from redistribution. This is how Internet Archive's lending library works, and has for more than nine years. Publishers are seeking to shut this library down, claiming copyright law does not allow it. Our response is simple: Copyright law does not stand in the way of libraries' rights to own books, to digitize their books, and to lend those books to patrons in a controlled way.

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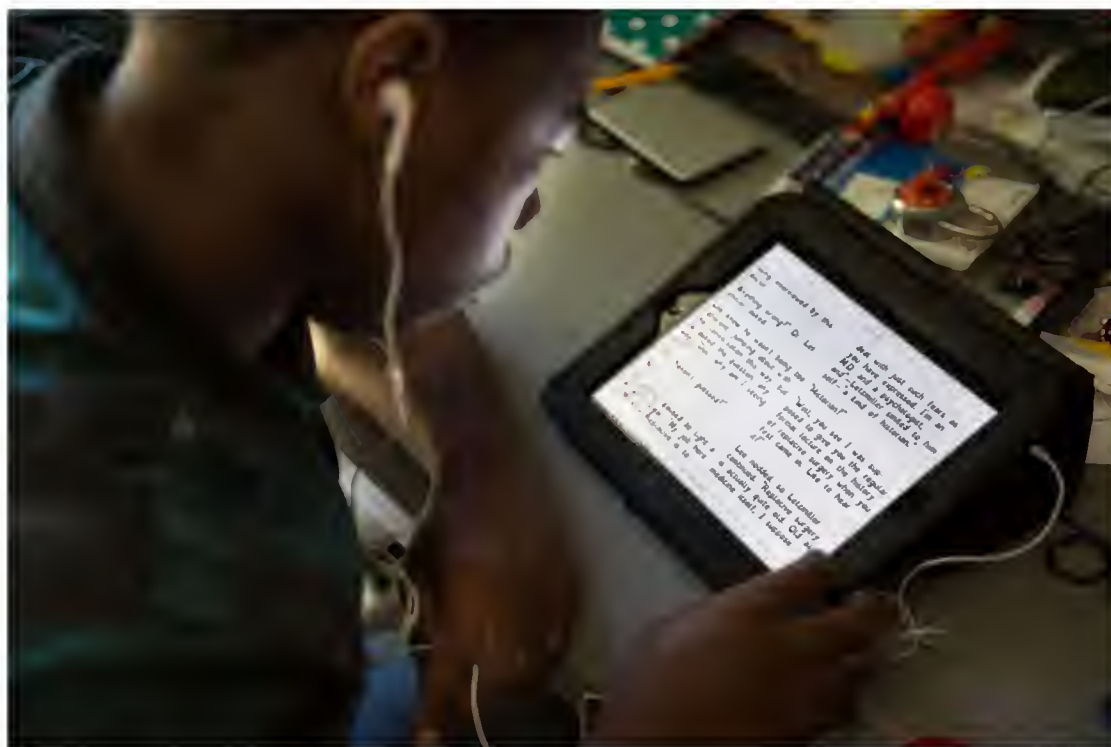
*What is at stake with this lawsuit? Every digital learner's access to library books. That is why the Internet Archive is standing up to defend the rights of hundreds of libraries that are using Controlled Digital Lending.*

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"The Authors Alliance has several thousand members around the world and we have endorsed the Controlled Digital Lending as a fair use," stated Pamela Samuelson, [Authors Alliance](#) founder and Richard M. Sherman Distinguished Professor of Law at Berkeley Law. "It's really tragic that at this time of pandemic that the publishers would try to basically cut off even access to a digital public library like the Internet Archive...I think that the idea that lending a book is illegal is just wrong."

These publishers clearly intend this lawsuit to have a chilling effect on Controlled Digital Lending at a moment in time when it can benefit digital learners the most. For students and educators, the 2020 fall semester will be unlike any other in recent history. From K-12 schools to universities, many institutions have already announced they will keep campuses closed or severely limit access to communal spaces and materials such as books because of public health concerns. The conversation we must be having is: how will those students, instructors and researchers access

information — from textbooks to primary sources? Unfortunately, four of the world's largest book publishers seem intent on undermining both libraries' missions and our attempts to keep educational systems operational during a global health crisis.



*Ten percent of the world's population experience disabilities that impact their ability to read. For these learners, digital books are a lifeline. The publishers' lawsuit against the Internet Archive calls for the destruction of more than a million digitized books.*

The publishers' lawsuit does not stop at seeking to end the practice of Controlled Digital Lending. These publishers call for the destruction of the 1.5 million digital books that Internet Archive makes available to our patrons. This form of digital book burning is unprecedented and unfairly disadvantages people with print disabilities. For the blind, ebooks are a lifeline, yet less than one in ten exists in accessible formats. [Since 2010](#), Internet Archive has made our lending library available to the blind and print disabled community, in addition to sighted users. If the publishers are successful with their lawsuit, more than a million of those books would be deleted from the Internet's digital shelves forever.

I call on the executives at Hachette, HarperCollins, Wiley, and Penguin Random House to come together *with us* to help solve the pressing challenges to access to knowledge during this pandemic. Please drop this needless lawsuit.

Posted in Announcements, Lending Books, News | Tagged NEL | 143 Replies

## 143 thoughts on “Libraries lend books, and must continue to lend books: Internet Archive responds to publishers' lawsuit”

Pingback: [Internet Archive Files Response in Copyright Lawsuit | LJ infoDOCKET](#)

**David Hetherington**

July 29, 2020 at 6:23 pm

Wonderful stuff for public domain books from 200 years ago. However, what is the plan to not cut the economic legs out from underneath struggling independent authors and small publishers who actually need the revenue from book sales to put groceries on the table?

It all sounds wonderful and high-minded, but if the libraries dry up the ability of writers to create and get paid for books, over time we won't have books. Something that even Amazon is obviously becoming aware of.

**Jonathan**

July 30, 2020 at 7:00 am

Does your argument apply equally to physical libraries? Should they be prevented from loaning in-copyright books?

**Chuck**

August 1, 2020 at 7:00 pm

Agreed! With the Covid-19 pandemic it is difficult and unsafe to go into public libraries. Digital borrowing helps with keeping people that continue to want to read and may no longer have disposable income safe. A true artist understands this, many of which most likely borrowed a book or two while researching for their own books.

**George**

August 8, 2020 at 5:22 pm

Libraries do not purchase ONE book and keep that single book for decades, they'll often repurchase books once a book is worn out. They'll replace spines or repair what they can but ultimately this relationship of book wears out (and the inability to micromanage book returns [classically, you could wait several days to get a book... digitally that is often only several min... thus the library needs less copies of a book to satisfy more people])

Besides all of that, the publisher owns the rights to publishing. No matter how you tech boys spin it, changing the medium of publishing (a physical book turned digital) is still publishing the book. This argument is basically saying "it's okay to rip a DVD of a movie and stream it so long as you only stream it to one person at a time." This is explicitly illegal, streaming services need pay the publisher special streaming rights that are not the same as owning the DVD.

I get you don't understand or CARE about IP law, but the publishers probably want their OWN digital formats that probably are going to have higher fees associated with them. No one is taking down digital libraries, they're only updating the system for the 21st century.



**George**

August 8, 2020 at 5:56 pm

People need to stop acting like the internet really isn't all that new, laws are still catching up. I know the tech giants love to make a fuss like this, they make it seem like some massive injustice is being done, but the wild west needs to have laws.

Take piracy, there is actually no law against setting up a blog page where you link to downloads. As long as you are not the one HOSTING the copyrighted material. You could have a system setup to automatically reupload links that were taken down and update the associated blog pages and still not be violating the law.

Heck, look at Amazon. They've actually used the argument that as a company that only CONNECTS consumers to sellers they're under no obligation to verify that any of the products sold on their website are safe for use.

"The National Highway Traffic Safety Administration said last month that the helmet wasn't DOT compliant and that it had been recalled. It was still listed, and as DOT compliant, last month until the Journal inquired about it, after which Amazon took it down.

Within two weeks of Amazon's removing or altering the first problematic listings the Journal identified, at least 130 items with the same policy violations reappeared, some sold by the same vendors previously identified by the Journal under different listings.

The Amazon listing said the set was "made of high quality nontoxic material, safe and reliable for little children" and claimed approval from the FDA. Journal-commissioned testing showed the set's xylophone contained nearly four times the lead the federal government allows in children's products. According to the testing company, the set also failed tests based on federal requirements for determining sharp points.

"He's a toddler," Ms. Taipalus says. "Everything goes in his mouth." She says she threw the set away after hearing the Journal's testing results.

Amazon initially didn't take the product down after the Journal informed it of the test results, saying a Chinese entity that goes by the name Ailuki had previously provided a test report showing there were no detectable lead levels. It subsequently took the set down in the U.S. and says it is asking Ailuki for more documentation

"

SOURCE: Amazon Has Ceded Control of Its Site. The Result: Thousands of Banned, Unsafe or mislabeled Products, Wall street Journal

The laws need to catch up, and tech giants need to stop using fear tactics to convince people that updating the legal code will spell the death of the internet. It will spell the death of their outrageous profits which is why they're fighting it, but it won't end everything we've gained thus far.

**Alexandra Evans**

July 30, 2020 at 7:06 am

If the idea of building libraries were so ill-advised it would have well been aborted decades, if not centuries, ago. Establishments with free books are needed not only for visitors to be allowed to read certain books for free, but because (1) they help new and emerging authors have their works enjoyed, evaluated and acknowledged by a larger community than those who can afford to have their own copies.

Besides, (2) it is not unlawful for a library institution to lend books whose authors are deceased and whose copyrights have been transferred wholly or in part to their publishers and/or still in circulation commercially for the time being (as are the cases of 'Lord of the Flies' and 'The Great Gatsby', both of which yet enjoy being top best-sellers). The sales of these books are certainly not to be affected by acts of lending a limited number of copies to a thus limited number of people as no library can afford to have so many copies to throw around as they please (as for the case of the books' digital versions, this is lawfully controlled by recognised institutions, including IA).

Not in the least, the majority of books endorsed to be loaned by the Internet Archive are entries that have actually been withdrawn from its normal lending service at a recognised library. Detailed information for this can be found easily in each digitised copy that IA owns. They are not works created by new and emerging authors who need to make a living, nor do they remain in print solely by the efforts of fledgling publishers. The use of them in education, research and even journalism cannot at all be condemned for any of the causes presented in the lawsuits against IA.

**Petrik**

July 30, 2020 at 10:40 am

I purchase lots of books (non-fiction), much to my wife's disgust. But I prefer to have some idea of what's inside. Borrowing from a library lets me do this. Once I determine it is of use and I wish to have it on hand I will go and purchase it. Not much different from browsing books in a bookstore. Quite often the books I get are also out of print so being able to see what I am getting before shelling out abnormal fees for used second hand books with elevated prices due to rarity, such previewing is a must.

**Melvyn Ingram**

July 31, 2020 at 7:56 pm

I totally agree with Petrik, I do same with factual, historical and art books, This way I do get see inside...

**mrl**

July 30, 2020 at 3:29 pm

Libraries have been around forever. You probably live close to one or two. And yet publishers continue to sell books. So what is your point?



**Hans Schnakenhals**

July 30, 2020 at 3:41 pm

Since when do libraries only feature 200 year old books and where is your evidence that libraries “cut the economics legs out from underneath struggling independent authors and small publishers”? It is not small publishers who brought this court case. It’s the behemoths of the industry.



**Bob**

July 30, 2020 at 3:50 pm

Exactly. As an a small author I find it so depressing to see the rich folks in Silicon Valley treat us this way. The IA is supported by the big tech companies that are all several orders of magnitude richer and more powerful than any book publisher. And most authors are essentially small businesses.

I used to have a warm feeling toward the IA. Now they just seem like they’re jumping on the anti-copyright model that made the tech companies so rich.



**Josh**

August 1, 2020 at 12:58 am

Bob,

I don’t think you should feel this way. HarperCollins has a revenue of \$1.5 billion, Hachette Book Group has a revenue of ~ \$2.5 billion, Wiley’s is \$1.7 billion, and Penguin Random House has a whopping revenue of around \$3.8 billion.

Compare this to the Internet Archive, which only has a revenue of \$20.3 million. I dislike Big Tech as much as the next guy, but the Internet Archive as a non-profit definite isn’t some Silicon Valley get-rich-quick startup.

Big publishers, like the ones suing the IA, are the ones using rent-seeking intimidation tactics to squeeze the little guy. And they’re not doing it for small authors such as yourself (and I wish you the best of luck in your professional endeavors, by the way); they’re doing it for their fat cat stockholding investors.



**Nemo**

July 30, 2020 at 5:26 pm

That’s a big “if”. Is there any evidence to suggest that such a thing might be happening?

**Jim senato**

July 31, 2020 at 4:19 pm

nemo did you even read the article before this they want all digital copies (650 million ) destroyed amazon and apple and someone else I forget at the moment had a big fight a few years ago over the total control of the selling of digital books.

**Steve**

July 31, 2020 at 4:21 pm

The fact that publishers are taking action suggests it's not books that are hundreds of years old and out of copyright. Any attempt to do that would be so ridiculous it would be futile. It would be laughed out of court.

Writing is a skill. All writers deserve to be paid for their work. Most writers struggle financially at the best of times. The people who can make a living from writing alone are few and far between.

I don't know about how it works in other countries but, in the UK, writers receive an annual royalty payment via the Authors Licencing and Collecting Society (ALCS). The money is collected from all the libraries in the UK and is based on how many times their work has been borrowed/photocopied during the year. It's a compensation writers deserve. Would you expect a paint manufacturer to let people raid its warehouse and steal cans of paint because they were staying home and beautifying their homes?

The Internet Archive is quick to ask its users for donations. Perhaps it should donate a portion of that money to the writer's whose work it's distributing free of charge. It's a game of rob the writer.

**Thomas W Frank**

August 1, 2020 at 6:19 pm

Steve,

I do historical and genealogical research. There are many books that are still in copyright but no longer in print or easily accessible. The only way to see these books is to travel, sometimes thousands of miles, to a library holding them. Other reference books may still be in print but so specialized in nature that they are not held by most community libraries and are too expensive for the average person to purchase for a short-term reference. Borrowing such works through a program such as this is the only practical way to bring these scholarly works to the desks of those requiring them. Perhaps there could be a separate category for in-print fiction or books that are within a certain price range and widely available. Such books could be borrowed at a fee – a portion of which would go to the author. Also, I would not mind paying a nominal fee such as \$1.00 to borrow a book that is still in print for a fixed period of time.

Respectfully,

Tom Frank

**Ramona Sky**





July 31, 2020 at 6:09 pm

So far in history, libraries have existed for a while and I don't think they've been harmful to authors overall.

I support the Internet Archive and CDL 100%. If it's 'high-minded' to want people to get to read, then I guess I'm high-minded.



**Lula**

July 30, 2020 at 5:55 pm

Libraries have existed for almost 3000 years. Writers have managed somehow.



**Christian**

July 30, 2020 at 6:10 pm

David — perhaps that would be a good question to ask your local public library.



**EE**

July 30, 2020 at 7:34 pm

You are looking at it sideways. The library isn't doing anything that the library hasn't done for centuries. The only difference is it's a digital copy that is being lent instead of a physical one. It was still purchased either by the library or by a donor who gave it to the library.

CDL only lends out the number of digital copies that the library has paid for (either in physical or digital form). It's not an unlimited thing.

Really what this does is increase exposure for those those independent authors. I have purchased many books after reading them from a library lend because I want to support the authors I enjoy.



**Mr U.**

July 30, 2020 at 10:03 pm

You make it sound as if libraries are a new thing, but struggling independent authors and small publishers have always had to coexist with libraries, accepting the pros & cons of that arrangement.

One would have thought Controlled Digital Lending (CDL), being a set of completely arbitrary, artificial restrictions which mimic the limitations of physical lending, would be fairly well received, but I guess ya can't please everybody.

As more and more publishing moves to digital, it does not make sense for libraries to provide their necessary public services only in the physical realm; there must be a path forward for them to operate legitimately and responsibly in the digital realm. And the terms cannot be fairly dictated only by the publishers, nor exclusively by Luddite authors' "alliances" and "guilds".

Digital cannot be a place where there is no room for lending; the public, as well as authors & publishers, are entitled to the same benefits from digital libraries as they are from physical ones. So the question is how to best go about making digital lending work for everyone, the public most of all, at least as well as it works for physical. After literally decades to get their act together, the big-name publishers have come up only extremely lopsided, expensive arrangements with libraries, and everyone else came up with a big fat nothing-burger. CDL is a good-faith compromise offered by the Internet Archive. Thus far, it seems to work really well. But it seems some are not interested in compromise, and are determined to hyperbolically paint all libraries as the enemy, ripping food from the mouths of starving children.

My comments on these topics are usually met with snide remarks about I must be some teenager who just wants everything for free, and that I just don't understand what it's like to be a creator. Well, I'm 49 and a published musician & photographer. My wife is an author via a major publisher. We're both 100% pro-library. She does have some mixed feelings, but she will never side with the plaintiffs in these lawsuits against the role of libraries in society, digital or physical. When her books aren't selling well, she knows that has nothing to do with libraries.



**Judy Meyer**

August 1, 2020 at 3:33 pm

They're not free. The taxpayers pay for each digital copy the library purchases. I listen to audiobooks daily and when I finish them, I "return" it to the library. I can only borrow the book for up to 3 weeks. If the library has only 10 books (for example), then I have to wait for one to become available.



**Ohioan**

July 31, 2020 at 1:56 pm

David, what is your position on physical book lending at brick + mortar libraries?



**David Brooks**

July 31, 2020 at 2:47 pm

David. Imagine a planet Earth where the primary goal is to enable easy and free access to all information ever created or assimilated. Imagine how much better life on this planet would be if there were no financial restrictions on learning. Instead, we live in a capitalistic world in which education is restricted by cost. And look at the effects. Is the world you live in better off due to the poor having little to no access to information? That is the question you must have for yourself. We must enable a world or system that rewards providers of

education and also provides all levels of education to all people. This where we as a global society must unite and determine where we want our taxes to be spent. On military and corruption or on education for all.



**Eva filia Magdalenae**

August 1, 2020 at 9:57 am

That's it. I also wanted to add that e-libraries allow readers from all over the world access. As it is, I can't physically read a lot of books I would like to read because there are no copies in Polish libraries. In most countries, presence of foreign-language books in libraries is mostly limited to the categories of "classics" and "bestsellers" – books which are neither are usually not accessible, and I generally happen to read more non-fiction. In America a lot of books are so outrageously expensive that I just can't afford to buy all the English-language books I'd like to read. Even if cheap copies are available, shipping costs then make up some 90% of the whole price – and I have been completely unsuccessful at finding more than two of the books I'd like to read available from one seller.

I would absolutely prefer a world in which everyone could afford to buy books (and, preferably, no one could afford to buy a new car every week, because the latter is one of the reasons why the former is impossible). But so far we don't live in such a world and libraries are necessary to ensure that lower-income people have a chance to read.



**R. Davies**

July 31, 2020 at 3:12 pm

Physical libraries seem to have been operating for a long long time, without 'drying up the ability of writers to create and get paid for books'. There doesn't seem to be any difference to me whether the book that's lent is made of paper or is virtual, if there are restrictions on the lending (eg. time limits and the number of people it can be lent to at one time) – and this is how the Archive operates.



**D. Randall**

August 3, 2020 at 3:23 am

Most of you don't understand what IA is actually doing. IA, during the pandemic, has been lending multiple copies, at the same time, of copyrighted works for each physical copy in a lending library. The lending of one ebook per physical book is probably illegal but the publishers let IA get away with it because it costs them pennies. Lending multiple copies is CLEARLY copyright infringement. Think of it this way: Stephen King publishes a new novel, ONE Library buys ONE COPY and then IA lends out TEN MILLION COPIES. This is an extreme example of the threat that the Publishers are worried about. I love IA and I don't want it bankrupted, but that is what is going to happen. They have no legal leg to stand on. Please go back to the old system and save IA. And make a deal with the publishers. Also, the Lending Libraries are at risk of being destroyed by participating in this pandemic lending, since they are just as guilty. Idealism is a very thin defense.

**Arthur Lucas**



July 31, 2020 at 3:37 pm

The UK Public Lending Right pays authors whose physical books are borrowed from libraries, and I think, but have not checked, that it also applies to Controlled Digital Lending. This provides a continuing income stream for authors from their intellectual property. It ought to be possible for similar legislation to be introduced elsewhere.

**Holly J. Harrington**

July 31, 2020 at 3:46 pm

I still buy books. I like the virtual library when books are out of print. That is another reason the publishers should not do this.

**Clint Robinstein**

July 31, 2020 at 3:54 pm

I don't see how it dries up the ability of writers to get paid for books. I've used the IA and apps like Libby with work with my local public library to make some of their catalog available online. It's been a great resource, but it's just like borrowing a book from the library. There is still only one or two copies available at a time and my son has some books on hold that we are going to be waiting for at least a month or more before we can borrow it.

Now, IA did do something unique back in May by removing all the lending restrictions because of the coronavirus, but I don't believe the lawsuit addresses that, but the more widespread practice of Controlled Digital Lending.

**Klaus Bailly**

July 31, 2020 at 3:56 pm

Every single book that is lent out by CDL was bought before it was given to the Internet Archive. Your argument, if taken seriously, would call for closing down all public libraries, not only the Internet Archive.

**Saurabh**

July 31, 2020 at 4:10 pm

Dear sir,

Then there shouldn't be a concept of "library"...

Everyone like you, "if" you have had a privilege of buying the books and not depended on your university's library, should have some empathy for those students also besides these "writers" to consider that all do not born with a silver spoon...

**Chris**

July 31, 2020 at 4:16 pm

Remember, you only have 1 hour to borrow a book through archive as well as other reputable sites. If anything, this is free advertising for those “independent authors” as you put it. When I’m reading a 700 page novel, I usually use archive.org and borrow the book for an hour to see if it’s worth purchasing. Yes, Amazon allows a “sample” for each book. However, these samples tend to be insufficient for my determination in purchasing any given novel.

**Helena Constantine**

July 31, 2020 at 4:27 pm

Those aren’t the kinds under discussion. I use the Internet archive extensively to read scholarly books written in the 1950s, 1960s, and 1970s. It is especially invaluable now that my academic library is closed and nothing can be had from it. For the first time I’ve writing an article that is sourced entirely from JSTOR and the Internet Archive. Nobody is every going to make a cent from selling these long out of print books even though they are still under copyright, but they are vital for the kind of documentation required in scholarly work.

**Mary Escano**

July 31, 2020 at 5:01 pm

It’s not the libraries that pushes an upcoming author to the headline, it is the publisher themselves. Think of it in music terms as the equivalent of a record label. Libraries function more as a radio station and a bookstore as the record store.

Libraries get their books from the publishers and lend it to the public, especially those who do not have enough budget to buy a book ie someone with low income, a student, or a retired person.

I just hope that the publishers would see the sense.

**Robert Lanxon**

July 31, 2020 at 5:06 pm

If the lending is controlled, there shouldn’t be anymore of a problem than your local library owning the same book and loaning it to their patrons. Frequently what happens is when people discover and author for the first time at a library, they are more inclined to actually purchase books by that author.

I will note a further advantage of having the Archive during this pandemic: Interlibrary lend between libraries has all but ceased. At this point, I can no longer request a book from a library outside of my consortium. It is essential to have the option of pointing my patrons so a resource they can access online.

**Shannon**





July 31, 2020 at 5:13 pm

Digital content is controlled via technology. I am attaching a very good article about Library lending that explains the situation quite well, including how DRM or Digital Rights Management controls who can access this content, how they can access it and for how long. It's complicated, but the copyrighted material is protected for the author, and let's be realistic, the publisher. \$\$

If you scroll down after the info about DRM and you will see some FAQ. Very interedyting information, such as how libraries have to pay 2 or 3 times as much as a consumer for their ebooks, only one copy can be lent out at a time, etc.

<https://www.denverlibrary.org/blog/books-research/lauren/libraries-and-ebooks-introduction>

**Todd Milner**

July 31, 2020 at 5:52 pm

Your statement is a bogus misdirection of the real issue, which is the culture of book lending that this country, and the world, has promoted since at least the time of Benjamin Franklin. A library is a library. A rose by any other name is still a rose. The Catholic church, back in the time of Gutenberg, tried to prevent this new and dangerous dissemination on a mass scale of knowledge. These publishing houses simply continue that tradition. And on a wider note, their attempt at restricting the written word ties into the current culture of corporate conservatism's attack on The First Amendment in general. Writers will still write. And if it's good their material will still be bought. Nothing changes with a continuation of libraries. Everything changes dangerously with any suppression of libraries.

**David Fordyce**

July 31, 2020 at 5:55 pm

The Internet Archive is fantastic for providing a number of resources we would not have access to otherwise. I fully support it.

With respect to your second paragraph, the "libraries" would not dry up the methods of payment for authors. What is really going on is that most people these days read stuff from their phones, tablets, or computers. They do not understand or care about holding an actual book in their hands and have the joy of reading that I think you and I both do. To their detriment.

**David Kamholz**

July 31, 2020 at 6:06 pm

It sounds like you're essentially saying that libraries cannot own books — in fact, that people in general cannot own books. Do you believe that all libraries have been violating copyright for the past 100 years?

**c**

July 31, 2020 at 7:05 pm

I believe that a author deserves to be paid for their work. BUT 200 years!!! Tell your great-grandchildren that they can work/create themselves. For the rest of society residuals don't go through generations.

**Harmon**

July 31, 2020 at 7:34 pm

If you want to find someone to blame for the struggle of independent authors, blame these publishers and not the 4 people borrowing a book online.

**Bill Kelly**

July 31, 2020 at 8:15 pm

In the days when compromise and negotiation was possible a system could be worked out where:

1. Publishers can sign an agreement to allow their books / or selected titles to be offered digitally.
2. An author wanting to have his/her books uploaded digitally would override #1. Or allow a 'sampling' of their works to be uploaded.
3. Small publishers (or any author) can prohibit their books from being uploaded digitally.
4. Internet Archive would publish a list of "Allowed/Prohibited" publishers/authors so consumers would know where they stood.

For what's its worth, I have purchased hard copies or digital copies of books after finding an author I enjoyed after reading one of his/her books I downloaded from Internet Archive. In most cases, I think, few authors have their complete works available on Internet Archive.

**Shane**

August 1, 2020 at 12:23 am

Publishers are the ones drying up the abilities in this case. Libraries would still be buying books in these cases, and in so many cases would happily buy an electronic copy for their patrons, but many publishers just don't make e-copies available to libraries to purchase in this way.

The idea behind CDL is that there is ALREADY a print copy that was purchased

**Joey**

August 1, 2020 at 12:25 am

To David, I don't thing so. Copyright is a tool for the big publishers to make money more than anything. It makes no sense for copyright to last years and years after the writer has died. The same argument was made with the music industry, when online sharing got big. If book sales do go down, then other ways of making money like advertising or live readings will pick up the slack, like what happened with music concerts.

For the record, I'm a small publisher. I think publishers need to go with the times, allow free sharing, and make money other ways. People still buy physical books and always will, and people like to support good writers and small publishers even if they can share it for free. If we don't go with the times, piracy will do it for us. Penguin and the big 5 are just pulling the rug out from everyone for their own profit. Don't be fooled.



**Carl M Williams**

August 1, 2020 at 5:27 am

Let's examine a few of Mr. Hetherington's points and throw in a few extra. Yes, public domain books are not the issue (Project Gutenberg, anyone?). Independent authors and small publishers are also irrelevant since they must make up a very small percentage of IA's library. Personally, I've never seen a book from a living indie or still-solvent small publisher on IA. Of course, I don't pretend to have browsed more than a fraction of their titles either. And let's face facts about a lot of indie authors: a lot of them publish unedited, unproofread, terribly-written CRAP. I can't count the number of free or \$0.99 indie books I've gotten from Amazon that are not worth the cloud space to store them. If they were paper and ink, they wouldn't be worth the cost of a match to set them afire. Don't get me wrong; I've discovered some real gems in the indie community, and I wholeheartedly support those writers with my money and positive reviews. There is no high-mindedness in this issue; it's about excessive profits for the big publishers. They're not satisfied with nurturing and profiting from living authors. They also want 100% of the profits from reprinting books whose authors and heirs are beyond dust. Ever see what's charged for a new copy of Moby Dick? IA is also the lifeline for books that are out-of-print. Libraries have existed for millennia, and I see no evidence of suffering on the part of writers or publishers. IA is the ONLY place I've been able to find some out-of-print books! They're apparently not profitable enough for the publishers or copyright holders to bother with. A few of my favorite LIVING authors refuse to sell the ebook rights to some of their works in the mistaken belief that it will somehow cost them royalties—sometimes for their works that are only available as secondhand paperbacks!

Like many in this digital age, I prefer the convenience of ebooks. For books I really like, I have purchased hardback, paperback, audio book, and ebook copies, so don't accuse me of not supporting authors or their publishers!

And by the way, check the front matter (the copyright page) of your ebooks, especially those from "big" publishers that use DRM. You may discover that you haven't actually purchased a "copy" of a book that's yours in perpetuity. You may have only gotten a "license" for your money, a license that can be withdrawn at any time for any reason at all (or no reason). If so, don't hold your breath for a refund.

I have well over 1,000 ebooks in my Kindle library and more than 500 in my B&N Nook library. What happens to those libraries when I die? Can I leave them to my heirs? Can they be sold by my estate? Or do they just digitally evaporate, along with the money I spent on them? These, I think, are much more important questions that need answering than questions about libraries, digital or otherwise.

Lastly, ask your librarian what your local library pays for a copy of a new bestseller from one of these big publishers. An individual might pay \$19.95 to \$29.95 for that hot-selling new hardback from his or her

favorite author, but these publishers know that many people will read that copy from a library, so some of them charge a special “library rate”—sometimes over \$100 per copy!



**Gerard Arthus**

August 1, 2020 at 6:55 am

The authors can self-publish and let their ideas compete in the real world. Ninety (90) percent of the profit goes to the publishers and not the authors in most cases. Actually, there are millions of Public Domain works out there if you look at publications before 1989. Where did you get the 200 year figure from? I self-publish all of my stuff and have even seen others selling many of the items on Amazon for 99 cents. Art for sale is just in many cases a higher form of prostitution. I am more interested in the ideas circulating and having as many people as possible to see them. Copyright for 125 years...That is insane; once again we have those in academia lining their pockets and using all sorts of legal tactics to obfuscate and extract money from the people.

Gerry

Garthus 01 August 2020



**Jane**

August 1, 2020 at 9:30 pm

I'm a librarian in a high school and I spend thousands on newly published books every year that are then available for students and staff to borrow.

I can tell you for sure, if libraries couldn't circulate books, there would be next to no market whatsoever for writers and publishers. Libraries promote and circulate new books: they are the market makers for the publishing industry. That goes for ebooks as well as print books.

You can find hard data for my assertion with a quick Google search.



**Donald Dienst**

August 2, 2020 at 1:47 pm

The solution is simple. Copyright is broken and should be limited to 20 years like a patent. Originally it was only 14 years anyway and that was when we had hand printing presses and horse and buggy for transportation.



**Randy H.**

August 4, 2020 at 7:36 pm

Copyright is definitely broken! Those wise men who wrote our magnificent constitution recognized it was extremely important “To promote the progress of science and useful arts, by securing for LIMITED times to

authors and inventors the exclusive Right to their respective Writings and Discoveries.”. Recent copyright changes however abandoned all reasonable notion of “limited” and the goal of promoting the progress of science and useful arts. Thank you Walt Disney Company and congressman Bono for selling out the people of America in favor of corporate greed.

**Testa**

August 3, 2020 at 2:13 pm

A library lending a small number of copies of a book at a time does not usurp the market for an author to sell their book.

**Warren Carr**

August 9, 2020 at 5:54 pm

Frankly speaking, this is one of the problems that we have when some have this narrow-minded outlook on life and as a result, fail to realize the greater need of equal access to all.

I’m blind, and I can’t tell you in simple words the magnitude of liberation that sites like this one has afforded those of us who are blind or visually impaired with respect to having access to books we can borrow and read.

Most blind people live alone and having access to sites like this one with its content is a blessing.

I can’t walk into any public library and access printed books.

If you believe that having access to books here places untold financial burden on authors, then why in the world do we have libraries where anyone can go in, sit down and read or even borrow and take a book home and repeat the process again and again till he or she is done with the book?

I think we always need to think pass ourselves and biases before we say things of this nature like this one that I’m responding to.

Pingback: [Internet Archives Fires Back in Lawsuit Over Covid-19 Emergency Library](#)

Pingback: [Day in Review \(July 27–31, 2020\) - Association of Research Libraries](#)

**Keltie Harding**

July 29, 2020 at 11:45 pm

If there is an online petition for the cause, I would be honoured to sign. I’m just one voice, but you have my support.



-Keltie Harding  
NB, Canada.



**Aldo Aspilcueta**

July 31, 2020 at 5:32 pm

Hi Keltie,  
Me too! It's a big good thing that libraries still may lend books, especially in digital format



**chickaDEE Magazine**

July 29, 2020 at 11:58 pm

The 2016 books are Gone for Grades K-12.



**Recruitment News Link**

July 30, 2020 at 12:06 am

I love the fact that the library still lend books and will continue doing so.



**پاریسی موزیک**

July 30, 2020 at 7:28 am

Lending books to customers of that bookstore that is done by user membership is great  
Because it creates knowledge and science among the general public  
excellent



**Todd Milner**

July 31, 2020 at 6:08 pm

I agree with your sentiment, but take exception with your implied requirement of membership for the loaning of ebooks. Being a privacy advocate who is in total opposition to The Patriot Act, I argue against the membership thing. For ebooks, to "retrieve" a book past its due date is a simple programmable matter. The book has a "disappear" algorithm attached to it at the time of loaning.



**Pankaj Doharey**

July 30, 2020 at 3:59 pm

This is a wonderful thing to do, thankyou.

**cpascal**

July 30, 2020 at 4:53 pm

From what I see, Internet Archive is only doing digitally what brick and mortar libraries have been doing for hundreds of years.

**สุตมาคารา**

July 31, 2020 at 4:31 am

You were great and everyone received so much from your experience and knowledge  
Absolutely amazing, thank you for sharing your knowledge with me.

**Debbie Herbert**

July 31, 2020 at 3:14 pm

What about the revenue you are taking from authors who(usually) already earn a small income for their work?

**Thad**

July 31, 2020 at 3:15 pm

I support Internet Archive in their response.

**Sandra Mian**

July 31, 2020 at 3:16 pm

I will stand with Internet Archive and I will continue to donate as much as I can. People are questioning here if this is affecting small and independent publishers and writers but it is not the case. They are not complaining, the BIG ONES are. The most important scientific articles are closed behind high-priced platforms and I'm almost sure the ones that have done the work – sometimes years of investigation – are not having the lion share. We should create means by which small and independent publishers and writers can earn their living, for sure. But we cannot have those giants making profits with knowledge that should be fairly available for all. If there is any petition that we could sign and help to spread the news I would be most glad to sign and help. Thank you for the wonderful work.

**GERARDO RIVERA NAVARRO**

July 31, 2020 at 3:30 pm

Your service is fundamental for the diffusion of science and the pleasure of reading. Please don't hesitate to contact us for support.

**Aqib Rizvi**

July 31, 2020 at 3:31 pm

Need to understand stance of "Publishers".

Do they want money for every book "sold" or for every "reading" of the book sold?

If it is for every book sold, then it should be fine to lend the books regardless of the medium, physical book or digital book.

**Eduard Ponuzhdaev**

July 31, 2020 at 3:31 pm

A lot of thanks for the GREAT & UNIQUE CHANCE to read many useful and actual books! If there is an online petition for the cause, I would be honoured to sign.

**John**

July 31, 2020 at 3:35 pm

The public interest is paramount for an informed society. Fair use doctrine I thought might address this. If you have a right to use intellectual property under this doctrine, how could you use it if you couldn't research it? I'm no expert, but it seems you couldn't do satire or even write research papers without having to purchase every possible piece you wanted to use.

Another disturbing angle, the books we donate to libraries, to juvenile detention centers and disadvantaged communities. I believe medical book publishers flat bar reselling. How it's enforcing I've no idea but it certainly opens the way to restricting access to media. It seems like the publishers should be made to formally and explicitly explain how the most remote or disadvantaged people could learn without hard copies. I think they should explain how the broader public interest of an informed and educated public is served by cutting off knowledge. Legally, they won't have to give such explicit answers except some counter argument about research and writers no longer having incentive to write and publish. Maybe in some cases.

When people lose jobs, are homeless or under strict budgets, Retired and can't get out, getting access to a lynchpin of staying educated should not be reduced in its ability OR capacity to do so. It's not enough to say borrow a book from a neighbor or find it at a garage sale. Brick and mortar stores are vanishing in many counties. It's not enough to say, well...we'll work on that problem but cut off libraries access to digital items first...Trust us

**diane aleman**

July 31, 2020 at 3:37 pm

We are in a modern world. Technology is how we must get information and that comes mainly from books. The libraries are currently shut down as well as schools.

We must continue to let libraries be able to provide these books. I know that many books have a long wait list. I often go out to buy a book. Please let us continue to have access to library books on line.



**Sharon Hunt**

July 31, 2020 at 3:44 pm

You have my total support in defending your rights to lend digitized books and materials in a controlled environment. So often, I have been successful in finding materials on your site that are no longer available for purchase. If not for your service, where would I go to further my research. I commend your service!



**Michael Metelits**

July 31, 2020 at 3:50 pm

Two types of authors who may be harmed by controlled digital lending, come to mind. The first is fiction authors who hope to make a financial killing with a best seller. The other type is the authors of textbooks (they normally enjoy a rather restricted market) that the authors revise periodically and make required texts for classes they teach. Have you seen the prices for textbooks? I have great sympathy for the first category of authors. Perhaps copyright law could stand revision that would limit ownership rights to the lifetime of authors of works of fiction.

As for nonfiction works of possible academic use as required textbooks, the cost of such books can become an additional burden that adds to the huge indebtedness that many students accumulate over four years of university study. Yes, there is a need for some kinds of nonfiction works to be updated as knowledge in various fields of study advances. Perhaps there would be room to urge publishers to provide digital access at a reduced price for bona fide scholars and teachers. As a published author myself of a specialized historical study of very likely limited distribution, I can honestly say that my motives to write and publish were simply the hope to put some ideas before the public on a permanent basis. On the other hand the publisher has certain cost to recover that would be seriously reduced if such works were offered as digital copies.

There is another category of person for whom the cost of books, old and new, creates a serious obstacle. I refer here to people doing serious research. Save for the independently wealthy, the need to travel around the world and set up living arrangements in other countries, just to see and take notes on older specialized works, becomes a financial burden that does two things. It can chill the resolve of the researcher to pursue what may be an important and widely useful topic, simply because of the expense involved. Second, it crowds the ranks of those who seek scholarships or grants to undertake such research. While competition as a means of improving academic excellence is laudable, the severe limitations imposed on granting institutions by travel and residency costs strongly reduces the number of grants that such institutions can award. Making research materials available digitally makes great sense.

Finally, I want to address a feature of the "publish-or-perish" aspect of attaining academic tenure. A large number of aspirants seek to publish both articles and books. The articles appear in journals. If a faculty member or student needs to see a copy of the article years after its publication, either their academic

institution has to pay a large annual sum for blanket permission for members to download a digitized copy of said an article, while those who have no such affiliation must pay a relatively enormous price to see that article. While I recognize the costs involved for a journal to digitize an article, there is no reason why that area of activities should become a profit center for the institution.



**Eugene Reagan**

July 31, 2020 at 3:50 pm

Of course, the recent change by the Internet Archive to allow most books to be borrowed for only one hour makes this whole discussion pointless.



**daniel brown**

July 31, 2020 at 3:52 pm

Useful to know the names of the publishers. I've taken a note of them and will not by purchasing books that they publish as long as they prosecute this case. Nor will I be specifying editions published by them as texts for the university students I teach. OUP, for example, publishes editions of texts that Penguin offers also. It is possible to find ways around buying books from the four publishers who are prosecuting this unfair campaign. In the past I have ordered hard copies of books after discovering them on Internet Archive. I think that these publishers are being rather foolish, as well as mean.



**Karen Woodbyrne**

July 31, 2020 at 3:55 pm

The publisher's law suit, in times of Covid, , shows how far out of line and reason some USA businesses have become under the pampering. encouraging, and unresponsive to the citizens' needs business climate set by our Federal Government's leadership.

I will NEVER AGAIN even consider buying a book published by Hachette, Harper Collins, Wiley, or Penguin Random House. This lawsuit is so unethical that those companies do not deserve to be in business.

Please start a petition all people who care about literacy and education can sign. Or, let us know what we can do to help, especially if we have been left poor by Covid and can't donate money. Given what US citizens have brainlessly elected, education and teaching people to analyze and think is more important than ever.



**Andres V Galia**

July 31, 2020 at 3:57 pm

My full support to TIA for using Controlled Digital Lending! It is a shame that some people want to stop that! What is the difference between any library lending digital content and TIA?

**Yuri**





July 31, 2020 at 3:59 pm

You have my complete support. We all need much your the most useful activity.



**Peter Bishop**

July 31, 2020 at 4:08 pm

I still buy books as well as use analogue libraries as well as digital. I prefer to support all mediums.

I can't see how they will stop at digital. If they win, then surely they have a case for paper libraries as well?

It's the thin end of the wedge if they are successful.



**Sandra Woodhouse**

July 31, 2020 at 4:09 pm

I don't see the difference in borrowing a book from a digital library as opposed to borrowing one from a bricks and mortar one. Except the ability to reach more people all over the world who otherwise wouldn't have access. I still love the feel of a book in my hand but most of my purchase are on my tablet. The publishers are just going to have to move with the times.



**Saurabh**

July 31, 2020 at 4:17 pm

Internet Archive is a good platform for those people who want to explore the world of knowledge without a cost...

It works same like a library of a university works...

It is very illogical for these publishers to file a lawsuit against the Archives...

Hope that Sanity prevails and they bring back their selfish lawsuit...otherwise the next would be the universities' libraries...



**Gary Long**

July 31, 2020 at 4:24 pm

The Internet Archive was lending a book I wrote, but they never bought a copy to digitize so far as I can tell, and in any event, in the country I live in, digitizing a book in which copyright is still in force, without the publisher's consent, is illegal unless for personal use only. My publisher will sell digital rights. They were not contacted by the Internet Archive. I think this is what causes problems: an organization unilaterally declaring they have a right to do something. An Internet Library is a bit different than your local public library in that it permits anyone anywhere access. Why would somebody buy my book when they can get it free? In my country (Canada) authors get compensation for the use of books in libraries through a Public Lending Right payment system. There needs to be something like that for the Internet Archive to compensate authors.



**Karen Gouvas**

August 1, 2020 at 3:57 am

I like making journals I always abide by the copyright laws before I use any illustrations i have done my homework on copyright laws in Australia, it saddens me when old books are either recycled or burnt in a bonfire just to dispose of them , i tried Ancestry research over in England and found out half of my ancestors records were burnt or half damaged with water during the bombing of London in Ww2 the Library was hit by a direct bomb starting a massive fire they hadn't been copied in any shape or form imagenen Boar War records or earlier wars records gone forever. I also have Scottish heritage my Great Grandfather's also went to help in the Battle of Ypress with the Scottish Highlanders one Grandfather migrated from Scotland to England whilst still serving I have literally lost those records in the bombing, i fully support I.A



**Ken Pealock**

July 31, 2020 at 4:36 pm

I have authored over 37 books and fully support CDL. I believe the majority of people who read CDL books would never purchase them anyway.



**Kate**

July 31, 2020 at 4:36 pm

Writers, their assigns & estates need to receive their money. That's the bottom line here.

No matter how you say it and put such wonderfully pro-library ideas out in the Internet— you need to remember that writers and illustrators have contracts From their publishers ( for their own protection or sadly their peril). Authors have copyright protection of their works.

They need to cover themselves in their contracts. If they signed for a published run of 10, 000 paperbacks and the demand is greater— that's not a signal for anyone in the world to go grab that work and freely start digital distribution for anyone down the line and over the years.

It just isn't. You know that.

That's why those digital copies you speak of —can't be duplicated by the borrowers. You do OWE The copyright holders for the number YOU have duplicated by digital means. Otherwise you are just the same as a boot-leggers making copies of music from a concert attended just one time.?

I'm a librarian with a MLS degree and experience in school and public libraries. I side with the writers, authors, illustrators, musicians and media creators. Certainly I'm not against distribution of knowledge— but I am against not paying the pipers— the writers and artists.

It's similar to gallery artists who sell a painting and it changes hands over and over throughout the years. The artists should receive some royalty payment upon each sale of the original. Artists do maintain copyright over subsequent prints and digital use. But— The original —they get nothing—as it makes it's way through the world.

Of course when the price of the artwork increases over the repeated sales that is helpful for the artist's subsequent sales. However there is a need for royalties paid out also. Like — on Internet photo-image sites, even the model in the photo gets a model fee! The individual artists are simply not as effective in discovering this misuse as are music publishing industry and professional photographers. Are writers And book illustrators any better at it? Nope.

For books—EACH and EVERY new, archived or out-of-print or digital book, regardless of it being in or out of copyright—regardless if you are creating and distributing digital copies— regardless if it's "For Free"— you need to pay the creator. If you are not part of the original creator's contract—you need to pay. Seek out the creator or the estate and negotiate. Yes, do that—just like semi-professional musicians and local play directors need to do if they want to play Roberts Flack's songs in an outdoor park concert or put on a production of Oklahoma. It's not free!

Even if your digital book copies are coded to disappear after a certain length of time or are constructed to not be duplicated —payment had to be going back to the original creator for each one you put out their in the world.

Publishers should have some money out of this too- but it should be illegal for a publisher to refuse these rights of payment within a contract to a writer, illustrator or ... any artist as well as their assigns and heirs. Why not? I challenge you.



**Klaus Bailly**

July 31, 2020 at 10:41 pm

"For books—EACH and EVERY ... book, regardless of it being in or out of copyright ... you need to pay the creator." At present, copyright in most countries is 70 years after the death of the author. If I should have to pay the creator for out-of-copyright books, could you please give me the bank account dates of Mr Shakespeare?



**Andrew Partington**

July 31, 2020 at 4:42 pm

It's a very nasty lawsuit aimed at an organisation that's doing a lot of good. Digital lending was clearly well thought out in order not to infringe publishers rights, but they still want to stop it. I can't see that it hurts anyone. It does however help people unable to get to the library physically to be able to borrow those books.

**Toni**



July 31, 2020 at 4:53 pm

This is disheartening. I know it's the same thing as "free" music. Or is it? Recording artists get royalties; a mere pittance compared to "production costs". So the authors of copyrighted books are not getting paid for the books we check out to read. I suspect what it boils down to is the publisher is not getting paid for the books we check out to read. And there are a lot of books that can only be checked out for an hour or 13 days. Several of the research books I have used lately fall into that category. If I didn't have access to them at internet archive I would have no access at all. Not every library has every book. And inter library loan does not work where I live.

**DR. ROGER BARNABY**

July 31, 2020 at 5:02 pm

WE AS A SOCIETY WORLDWIDE HAVE MOVED INTO A DIGITAL WORLD. WE MUST EMBRACE IT AND WELCOME IT AS IT IS A REAL NEED TO SO MANY INDIVIDUALS WHO WISH TO READ BOOKS, ALL BOOKS, IN THEIR HOMES OR OFFICES WITHOUT TRAVELING TO A LIBRARY. DIGITAL LEARNING IS NOW A REGULAR PRACTICE DUE TO THE CURRENT COVID-19 PANDEMIC. MANY OF THE OLD TRADITIONS OF THE PAST, CLASS ROOM LEARNING WITH FACULTY PRESENT, GOING TO THE LOCAL LIBRARY, MANY OF THESE HONORED AND RESPECTED TRADITIONS ARE NOW CHANGED. THIS CHANGE WILL BE LASTING AND INCREASING OVER THE NEXT SEVERAL YEARS. CONTROLLED DIGITAL LENDING BY US LIBRARIES, AND INDEED LIBRARIES THROUGHOUT THE WORLD IS NOW AN ACCEPTABLE STANDARD PRACTICE AND SHOULD BE ENCOURAGED AND EXPANDED. WE CANNOT GO BACK TO THE CANDLE AND LANTERN AGE, WE MUST EMBRACE AND FLOWER IN THE DIGITAL ACCESSIBILITY MODEL AND NOT LOOK BACKWARD TO THE AGE OF THE QUILL PEN BUT MUST MOVE FORWARD. LEGISLATION MUST BE PASSED TO ENCOURAGE THIS TRANSFORMATION FROM AN ADHERENCE TO ONLY HAVING A BOOK IN HAND TO PROGRESS TO HAVING A COMPUTER, PHONE, KINDLE OR OTHER DIGITAL READER IN HAND TO DISCOVER NEW IDEAS AND EXPAND OUR MINDS TO EMBRACE THE CURRENT WORLD WE LIVE IN AND OT EXPAND OUT INTO THE FUTURE WHICH BECKONS US AND URGES US TO LEARN AND TO BE BETTER STEWARDS OF OUR CITY, STATE, COUNTRY AND WORLD. TRYING TO HOLD BACK DIGITAL LEARNING IS SIMILAR TO TRYING TO STOP A HURRICANE. IT JUST WILL NOT WORK. THESE FEW PROFIT ORIENTED PROTECTIVE PUBLISHERS JUST NEED TO GET ON BOARD AND DISCOVER THAT THE ENTIRE WORLD ABOUT THEM HAS CHANGED. A SYSTEM OF FULL ROYALTIES TO THE AUTHORS CAN BE PUT INTO PLACE AND I AM SURE TRADITIONAL BOOK PUBLISHING WILL CONTINUE. I FOR ONE LOVE TO PICK UP A BOOK, FEEL IT, ENJOY IT AND IT'S PAGE TURNING EXCITEMENT AND JOY, BUT IN MY LATER YEARS OF LIFE I DO REALIZE WE MUST PROVIDE MANY WAYS OF VIEWING BOOKS AND ONLINE AND DIGITAL RESOURCES ARE NEEDED IN OUR CURRENT WORLD. A GOOD EXAMPLE IS RIGHT NOW, OUR LIBRARIES ARE CLOSED DOWN, SO ARE THE BOOKSTORES, SO OUR BEST SOURCE OF RECEIVING THE KNOWLEDGE AND IDEAS PRESENT IN BOOKS IS TO ACCESS THEM ON LINE, USING THE CURRENT TOOLS OF DIGITAL READING, COMPUTERS, DIGITAL READERS, KINDLES, CELL PHONES, EVEN SMART TV'S AND OTHER DEVICES INCLUDING SOME VARIETIES OF SMART WATCHES (THE OLD DICK TRACY COMIC STRIPS WHICH FEATURED THIS PHENOMENON NOW A REALITY.) WHAT WAS ONLY A VISION AND AN IDEA HALF OF A CENTURY AND A CENTURY AGO ARE NOW EMPLOYED DAILY IN OUR CURRENT MODEL LEARNING METHODOLOGIES

INCLUDING CONTROLLED DIGITAL LEARNING AND DIGITAL BOOKS PROVIDED BY OUR LOCAL LIBRARIES AND THE INTERNET ARCHIVE AND OTHER SOURCES AS AVAILABLE TO US PATRONS OF THE ARTS AND READING AND LEARNING. THE PUBLISHERS LAWSUIT IS REALLY AN INFRINGEMENT ON US, THE CONSUMERS OF THE INFORMATION IN THESE BOOKS, WHETHER DIGITAL OR IN TRADITIONAL BOOK FORMAT. WHATEVER METHODOLOGY WE AS CONSUMERS WISH TO USE TO VIEW THESE BOOKS CREATED BY INNOVATIVE AND CREATIVE AUTHORS SHOULD BE FULLY AVAILABLE TO US AS WE ARE THE ULTIMATE CONSUMERS OF THIS INFORMATION. THIS LAWSUIT SHOULD BE DISMISSED AS IT IS A THREAT TO PROGRESS AND INNOVATION. I AS A CONSUMER USE BOTH FORMS OF BOOK AND SCIENTIFIC ARTICLE USAGE. INCLUDING MEDICAL AND PUBLIC HEALTH BOOKS AND MEDICAL AND PUBLIC HEALTH SCIENTIFIC JOURNALS, AND ALSO BOOKS OF JUST MODERN AND EARLIER LITERATURE—FICTION AND NON FICTION FOR EDUCATIONAL KNOWLEDGE AND SO OFTEN JUST FOR PLEASURE. I AND OTHER CONSUMERS OF THE KNOWLEDGE IN BOOKS AND ARTICLES SHOULD NOT BE PREVENTED FROM USING THE NEW METHODS OF RECEIVING AND GATHERING INFORMATION AND THE CONTENTS OF BOOKS TO READ IN THE MANNER WE PERSONALLY PREFER. THE PUBLISHERS LAWSUIT SHOULD BE DISMISSED BUT ALSO THESE BOOK PUBLISHERS SHOULD RECEIVE SOME MONETARY REIMBURSEMENT FOR PUBLISHING AND PRINTING THE BOOKS THEY MAKE AVAILABLE. DIGITAL IS NOT IN COMPETITION TO THE TRADITIONAL BOOK, IT IS ANOTHER WAY FOR THE AUTHOR TO FURNISH THE INFORMATION TO US, THE CONSUMER OF KNOWLEDGE IN THESE BOOKS. THANK YOU FOR THE OPPORTUNITY TO EXPRESS MY VIEWPOINT. I HAVE BEEN A FACULTY MEMBER AT A MEDICAL SCHOOL AND TAUGHT IN A SCHOOL OF PUBLIC HEALTH AT UNIVERSITY AND I AM SPEAKING FROM A LIFETIME AS A TEACHER AND A LIFETIME READER AND LOVER OF BOOKS AND KNOWLEDGE.



**Cornelia Achenbach**

July 31, 2020 at 5:04 pm

many of my knitting pattern are in the archive, there is no other place I support Archive (from Germany)Achenbach



**Friendly Okeke**

July 31, 2020 at 5:05 pm

These four largest publishers must not ignore the reason for the establishment of Controlled Digital Lending. They should invent new ways to generate income and leave the library system alone.



**Judith Demaestri**

July 31, 2020 at 5:16 pm

This is outrageous! Censorship of any form is unacceptable to us Americans,just when children need it the most! Vote Trump 2020!



**Callahan Burke**

July 31, 2020 at 5:19 pm

Publishers are understandably opposing this, as it decreases their bottom line. This is the ENTIRE reason for libraries, as I see it. I know I am part of a landslide minority thinking KNOWLEDGE is more important than MONEY.

Let's DO IT!

**GL Stein**

July 31, 2020 at 5:20 pm

I think this is another 'Big Brother' control factor. It's a reminder of the Nazis burning books! Terrifying possibility!

**John Russell**

July 31, 2020 at 5:24 pm

Applying Trump tactics to cow the disseminators of digital books. Perhaps to be expected in these fraught times, but not to be accepted. I support and applaud your stand for the public users of this precious resource. Thank you for your strength and perseverance in facing down this threat to my, and our, need for digital book access.

John Russell

**Gail Rendle**

July 31, 2020 at 5:44 pm

If Digital Book Lending helps kids with their school work, no one should stand in the way. Their education is needed – HAS to COME FIRST.

While nothing can replace the feeling of “a book in the hand, to carry and read as one's time and circumstances permit”, we should not be taking it for granted. It is a Luxury, one of the widest spread luxuries in the world. With Covid-19, it's a luxury we can't afford. You can't read that book if you're dead! – You can't even WRITE or PUBLISH that book if you're dead!

The future of book publishing, among other businesses, will remain unknown until such time as our experts in Epidemiology and other Scientific communities feel safe in saying, “go ahead and publish – print and sell your books in hard cover, paperback and so forth, there is no longer a threat”. But that day isn't here yet, and our patience is strained. We need to learn to adapt; to find and use other means to use our facilities, other uses for our machinery and ways to re-fit it for other, perhaps even different kinds of work to support our families.

This is not a Little Blip in our lifestyles, this is Big Potatos, and we need to learn to embrace it calmly while thinking Way Outside the Box.

**JW**

July 31, 2020 at 6:08 pm

On the contrary. Publishers have pushed the cost of Scientific publications up to such prohibitive heights (eg. 60 EUR for a short monograph) that private individuals can never afford them. It's the libraries that buy these papers and "put the bread on the authors' tables". Without digital lending their words of wisdom would be read by – nobody.

**Judith M. Rushing**

July 31, 2020 at 6:10 pm

This reminds me of the "book burners" of the McCarthy Era. I was in Junior High School when I went to the school library to check out some books. One of them was a romantic story about a young Russian soldier and the girl he was in love with. I had previously enjoyed it, and wanted to read it again. It wasn't on the shelf, so I asked the librarian to put my name on the hold list for when it was returned. She told me it would not be available to me in the future. It had been "BANNED"!

Later, I read "Fahrenheit 451" by Ray Bradbury and finally understood what was happening.

I now also understand how publishers of mass media seek to control what people can read. And this is exactly why I support Wikipedia.org, where I can read what I want to read and when I can read it. Anything less undermines our freedom and Democracy!

**Delsa Johnson-Waddell**

July 31, 2020 at 6:13 pm

If I listen to a digital book and like it well enough, I buy the hard copy also. I will never replace all my books for digital copies.

**Kathy Tribble**

July 31, 2020 at 6:18 pm

I am so grateful that your site exist. I am a teacher in a Montessori Public/Charter school, and when we closed so abruptly March 13th and had to lockdown at home we had learners and myself that needed support for our book club, fortunately I was able to find your website and obtain the book that we were reading and told others (in case they had same dilemma) and fortunately was able to seamlessly carry on our book club virtually, especially important when you are working with "special needs" kiddos which I do. Thank You so much!!!!

**valeri**



July 31, 2020 at 6:25 pm

It is absolutely true, I support the case in your favor!

**Ian Cameron**

July 31, 2020 at 6:35 pm

The publishers' rationale is interesting. Given that the Open Library lends only books that are not in print, how does it hurt the publishers? AS far as I can see, there are only two possibilities. First, they think they might reprint the books someday. It the vast majority of cases, that's not going to happen. Secondly, they think that if people did not have access to old books, they would buy new books. In which case, they had better get to work to put all used bookstores out of business. because that's where recently published books can be found.

**Michael G McGlasson**

July 31, 2020 at 7:17 pm

Although I am not a lawyer nor a copyright specialist, it is quite obvious to me that the big publishers want to publish public domain materials as new editions and thus place their own copyright on the material. But with free public domain electronic digital books, this would be redundant and profitless. I say screw the publishers. The main driving force here is good old-fashioned American greed which is slowly destroying American society. As an author myself, do you think any of the involved publishers (Hachette, HarperCollins, Wiley, and Penguin Random House) would publish my original material? Not a chance in Hell. MGM

**Momoh Ibrahim**

July 31, 2020 at 7:39 pm

You are really rending a great happening hands. So students still have opportunity to get books online. So affordable way of lending books. Thanks for sharing.

**Stephanie Loomis**

July 31, 2020 at 7:41 pm

Bravo. Information, particularly educational work should be open access. A digital lending library is a starting point. If this country is serious about closing the opportunity gap, then these materials must be available to all, not just a select few.

**CR Ramsey**

July 31, 2020 at 7:46 pm

I personally access items that are rather old to do genealogy research, but there must be a way to allow both authors and the general public to benefit from digitized books that are newer.

Having taught online and received an MBA online, I am a supporter of online learning, and to do that for the near and more distant future, students will need to be able access those materials they need online. School districts buy textbooks for students and then use them for many years, usually from 5-10 years depending on the subject matter, but probably longer in some school districts. So why can't they support buying online texts for students in their area to use through Internet Archive? This is what was said in an article I read by Kayla Lowe on "How Often Should Textbooks Be Changed?." <https://www.theclassroom.com/should-textbooks-changed-6905196.html>. It might actually provide a savings for school districts.

#### "Digital Books

Digital textbooks don't have to be changed as often as traditional printed textbooks. Because of their digital format, they can be easily amended and then downloaded again by students and educators. They cost significantly less than traditional books and can incorporate videos, online connectivity and other features that traditional textbooks cannot."

I agree with the publishers in that authors cannot be expected to not be paid for their work, but I also agree that with the current pandemic and the growth of online learning in general, new avenues need to be explored and this is not the time for a suit to be brought that limits students' access to material. All stakeholders should be working together to make this work and be beneficial to all parties.



#### **Harriet Brown**

July 31, 2020 at 7:50 pm

It is absolutely disgraceful that any publisher, commercial or otherwise, should even raise the idea that digital library books are unlawful. Particularly now, in the middle of the COVID-19 pandemic, when many libraries have been closed for months. Self-isolaters have no access to physical copies of library books, and some people have no access long-term.

I can't believe this is actually happening. Who are these commercial publishers??

Digital lending has been unproblematic for years. What's different about it now? The current situation is most certainly not the time to exercise this trick.

As a summary, I am horrified.



#### **Bert Plante**

July 31, 2020 at 8:43 pm

We are all use to tipping.

A way of sending tips.

Wort discussing and finding ideas for implemention?

**Ramzan Ali**

July 31, 2020 at 8:44 pm

I buy OR try to buy the book i read at internet library , It is my way to assess the importance of a book. Internet libraries are advertisement hubs for books. It should charge publishers a fee no matter how small., not the other way round

**Bent Anker Nielsen**

July 31, 2020 at 8:50 pm

In Denmark libraries pay authors a fee for the lending of their books (after a system that is renegotiated from time to time, but some authors feel, that they are treated unfairly, I should add – especially the most popular ones, as I recall). I am not familiar with the financing of the Internet Archives (in Denmark we pay for public libraries through our tax) but I really hope, that IA are compensating copyright holders for making their books available. If not, I hope the law suit will lead to a settlement to that effect.

Bent Anker Nielsen

**Maricela Martinez**

July 31, 2020 at 9:05 pm

I noticed some comments saying that publishers and authors do rely on book sales to make a living and I get that but I'll check out as many books from the library but if I love the book I buy it, if I love the author I buy it. I want to read the books I love over and over again any time I want and I want to own my favorite series. I am a bookworm, a bibliophile it is my dream to create my own personal library of personal favorites and career related books. If publishers and authors want to make money from sells, I am their target audience and I take great offense to trying to shut down any kind of library. If I didn't read library books as a kid I wouldn't want to read and own my own books as an adult.

**Ralph Baker**

July 31, 2020 at 10:50 pm

Libraries and writers have co-existed for at least a hundred years. Libraries are still here. Writers are still here. In fact I am sure there are more writers now than one hundred years ago. Libraries create READERS. READERS turn into BOOK LOVERS. BOOK LOVERS BUY BOOKS. I am a heavy library user and when I owned a home, I also had more than one room completely full of books I have purchased. This is solely about the greed of publishers.

**Sea**

August 6, 2020 at 7:12 pm

It really is about the greed of the publishers. Plain and simple.

**Joanne Agate**

July 31, 2020 at 10:57 pm

I nearly jumped for joy when I found archive.org a few years ago. I'm an ex-American living in Belgium. The only books in English that are available in some bookstores are bestsellers, which I'm not interested in. The library across the street from me has about 90 books in English, nearly all of them being books that were mandatory reading when I was in high school 40 years ago.

I think that I've downloaded at least a hundred history books from the 17th and 18th century from archive.org that are copyright-free. I've also digitally borrowed at least 40 books that I had been looking for for many years. Just because a 35 year old book is still copyrighted, doesn't mean that it can be found on Amazon or on used book websites. And lastly, there have been at least 10 times where I've borrowed a newer book that I'd never heard of, read it and then bought it from Amazon.

Digital lending is simply wonderful! I would actually be heartbroken if there was no such thing as digital lending. Basically it's my lifeline to the English speaking book world. Thank you to everyone that makes digital lending possible!!

**Roberto Magnani**

August 2, 2020 at 5:48 pm

Dear Joanne,

While jumping randomly inside archive.com I found your words above. I've always been looking for books, not focused in any particular field. When I say "always", I mean since I was 3 or 4 years old, even before I learned how to read. That's why I can not be less touched by your words. Very much agree with you, I feel grateful to you for let us know your view point.

Receive my best regards.

Roberto

**Sea**

August 6, 2020 at 7:10 pm

Definitely digital resources and digital lending reach a far broader audience, with a greater depth and breadth of material vs a library or what a few publishers singularly or collectively could put out. I was watching old movies on archive.org before amazon prime existed and when netflix was VHS and dvd rental. Then I discovered so much more on the site and it has offered even more content over the years. So grateful.

**Timothy H Nunnally**

August 1, 2020 at 12:58 am



I agree with you on the lending part of the lawsuit, but I doubt the case would have ever been filed if IA had not previously engaged in the practice of allowing many books under copyright to be downloaded for free — not to borrow but to keep.

This was a widely available service that allowed countless free downloads. (I always assumed the books were licensed for such downloads, a sort of second quality PDF of the work donated by generous copyright holders, for those who can't afford true digitized versions, such as for Kindle. I realized I was wrong when I read news reports of the lawsuit ).

It appears that practice has ceased as all the copyrighted books that used to be freely and permanently downloadable are now available for loan only.

I'd like to hear an explanation from IA about that prior practice before fully taking a position on the remainder of the suit concerning borrowing. Has IA made a statement about that other part of the suit?



**[Michael Habermann](#)**

August 1, 2020 at 3:20 am

Libraries lend books. Period. That's the way it should be. This must continue. Publishers greedy actions must be opposed.



**[VEDo36](#)**

August 1, 2020 at 4:09 am

Many years ago, when I noticed archive Org, and the way it was functioning, I did get a feeling that things may end up in some terrible law suit.

It is nice to get books in a digital format. And that is also business. Amazon is doing something similar via Kindle.

However, archive might need to put some self-control over digital lending. Because, publishers are also going digital.

Maybe some kind of compromise can be worked out with the publishers.

I have no personal stakes in this. My books are all on archive kept there for free download.

Other than that, the very idea of uploading all national knowledge and information and technical skills and much else for the world at large to gobble, might be an insane foolish idea. Competing nationalities will simply grab them and utilise them against all foolish native-English nations.

Even the concept of Public Domain should have been intelligently worked out. I cannot mention more in more candid words.



**George**

August 1, 2020 at 4:20 am

The core issue here is whether books should be legally copied to digital files (and then lent). There is a big difference between regular libraries lending printed books and lending digital files – that can possibly also be distributed free to many people. A printed book cannot easily be duplicated into another printed book. These are the same problems the music and movie industry faced with ‘peer to peer’ streaming and sharing sites.

While I support the valuable archiving role of the Internet Archive, there is a fine line that is always going to be shrouded in legal uncertainty relating to copying any works in copyright.

There is a copyright warning posted in every book, and other published works, that aims to protect the interest of the authors and/or publishers, who invested considerable time and money in their creation.

There is no doubt the arguments each way can go on forever; it is a minefield. There is no doubt that works that can be accessed without paying (movies and music on Youtube for example) do create awareness and interest in spending money on the same or other works of the creators of those works, for those, like myself who always prefer to have a physical copy and happy to pay for it.



**Paul**

August 1, 2020 at 4:38 am

Oh dear, I have so much to say on this topic, but I will keep it short.

As a student with very reduce vision, I am totally reliant on digital content. This does not mean that I do not purchase physical books – I do when I have too. An example – recently I needed a science book for might studies which costs about \$500 US in print and just a little more in digital format. Regardless of whether it's in print or digital, I have to use a library to access this book as I can't afford to spend that kind of money on a tutorial style textbook – that is to say that his is not a reference work.

So, I have to fall back on the print copy at my learning institutions library and use OCR technology to laboriously scan and read every page I need to read (using my smartphone). Being a very expensive book, it's only available in the reference library – I can't take it home! But I have access to it nevertheless.

Now if I could borrow the book in digital format it would save a lot of time and effort for me – but I still couldn't afford to buy the digital edition. This is one of the reasons the library was established.

I am a financial supporter of the Internet Archive and truly believe in it's mission – including their lending library. I contribute a small amount of money each year to assist IA to expand and maintain their collections.

I have purchased thousands of books in my lifetime and continue to do so – both in digital formats and in print. But sometimes titles are out-of-reach to me financially, so like others over the ages, I use libraries.

I also have access to motor vehicles / public transportation and interestingly no giant corporate horse and cart enterprise is trying to tell me that I should go back to using their former technology.

I guess this is a battle we have to fight and hopefully the libraries of the world will be victorious.

As a person with a visual impairment, books are some of the best things in my life and libraries enable me to have access to titles which are out-of-reach to me. Many thanks to the Internet Archive and all the other libraries and librarians around the world.



**Glenn Thompson**

August 1, 2020 at 4:43 am

In general, copyrighted/licensed material has two components: the intellectual content itself, & the medium that carries it. The only part that is protected is the intellectual material itself. It is legal for the licensee to copy the licensed material from one medium to another, for his/her own use. The owner can legally copy music on a CD to a flash drive for convenience. Given that viewpoint, the material being lent is the intellectual property- the contents of the book. The medium shouldn't make a difference. Consequently, either brick-and-mortar libraries with physical books & CDLs with digital ones are both legal, or neither is.



**William Edwards**

August 1, 2020 at 6:05 am

Although I LOOOOOOVEEEEEEE the Internet Archive, this is one legal battle you are likely to lose if the premise is what is in the article. I started using traditional Libraries, and continue to use traditional Libraries, since I was four years old. That is 52 years of using traditional as well as other types of Libraries. Really all traditional type Libraries but for different purposes.

Here is why you are likely to lose this fight.

Libraries pay for their Books. They are not free. The Library system I started using and used for quite a few years is Enoch Pratt. The Enoch Pratt Free Library system has the main Central Cathedral Branch, 22 other Branches, three Book Mobiles.

Libraries pay for their Books, they are not free. They usually buy at least two copies per book, sometimes more. For just one system, Enoch Pratt, an author and publisher sells 52 copies and usually more. Popular Books wear out when checked out of a Library, they dont get replaced free, they have to be bought again. They are usually worn out after about 50 checkouts. And it doesnt take long to rack up 50 checkouts.

Authors do not only make money off Libraries, but it comes with exposure, advertising. 45% of people who borrow a book from a Library go on to buy the Book. So if a book is purchased and then loaned 100 times. The author, statistically, will have sold 45 books from one Library. If that Book is borrowed from each Branch, then the Author will have sold 1,170 copies from just one Library system (Using Enoch Pratt as an example). And that is assuming one copy per branch. It can be a lot higher than that. Library visits have been up by over 2,000,000 year to year over the last five years. More people are using traditional Libraries than ever. Authors sell a lot of Books because of Libraries.

Libraries pay for eBook and Audio Book Licenses. Of the five big sellers to license eBooks and Audio Books to Libraries, you listed four of them as being in the Lawsuit. All are One License – One User and all but one limited to 12 months or 52 checkouts before another License has to be purchased. About 50% of the borrowers who check out an eBook go on to buy the Paperback or Hardcover if one exists.

Authors build loyal fan bases through Libraries. On top of the money authors and publishers earn from Libraries, which is a lot, they build fan bases through Libraries that buy their Books even if they are not good Books, they buy them out of loyalty to their favorite authors.

So here is why I think (know) you will lose this suit and other things that are concerning. I read the entire Suit. First and foremost the Suit makes it clear the Publishers have no problem with the Wayback Machine or books out of Copyright.

Why you will lose:

Every Law cited in the Lawsuit against IA's claims are law, and the IA claims dont hold up. Some examples, the Fair Use claim. Fair Use is spelled out pretty clearly and IA's claim doesnt hold up. The Distribution claim. Also clearly spelled out in Law, the distribution claim means the owner of a book can only distribute that copy of the book they purchased. Noted in the Lawsuit by the Law itself, you buy a book, you can sell that used book. Nothing else, buying a book does not give someone copyright claim or relieve the purchaser from following copyright law.

Things that should be even more concerning to IA's owners alleged in the suit:

IA made \$153,000,000 over the last ten years. IA used Shell Companies to transfer funds from the Shell Companies as donations to IA by benefactors and other donor. Except, if I am reading it correctly, the Shell Companies are owned by the same people that own IA. Under S.E.C. regulations, Shell Companies are not supposed to have assets or have nominal assets. In the case of IA's Shell Companies, you are talking tens of millions of dollars. There attorneys call it a "Scheme" in multiple paragraphs of the suit in order to make a profit while hiding behind the 501(C)3. If they can prove that, I would expect some contacts from the IRS or SEC.

IA is not a Library, has no Library Accreditation, in California or anywhere else. The grant received is not a Library grant and as is pointed out in the Suit, the same grant was given to the California Philharmonic. If I

were making the kind of money claimed in the Suit, and part or all was based on a Library Accreditation, I would expect to be hearing from the IRS. Maybe even the Justice Department.

Funds donated from users, for "in copyright" books to be added. Multiple times the amount that the actual book costs, the example they use is a \$93.xx donation to digitize a book that is well in Copyright. Part of the funds are used for business and part is unaccounted for. According to the Suit.

To get to the bottom line this isnt about the Wayback Machine or the Out of Copyright books, the Publishers make clear on two or more parts of the suit they have no problem with that. This is what this Lawsuit is about.

IA is making a profit off of copyrighted materials, including 21st century published materials, hiding behind a 501 to do it using Shell Companies, or as the Publishers allege, are a "Commercial Enterprise", and on top of it the Suit claims twice or more that IA ships books to the Philippines and China to have low wage workers do the scanning using their Scribe System.

This suit has nothing to do with the Wayback Machine of out of Copyright materials. There is a lot more to it than just Copyrighted materials. They cite the Law on multiple occasions to back up every allegation. Not a single one of IA's arguments seems to hold up to scrutiny (when compared against the cited laws).

They are going to win, they have the Law, and they even have and quote IA's owners own admissions during interviews in the Suit, admissions that are clearly in violation of those laws they quote, but moreso, if I was one of IA's owners, I would be looking for contacts from Government entities like the IRS.

This Suit goes far deeper than just some Copyright infringement. It would seem IA and their Shell Companies have made a lot of money on others copyrighted works.



**Christi Rodriguez**

August 1, 2020 at 9:43 am

I think it bull that people come here to Put there punishment on other people and evade other people's privacy to judge them and execute punishment. Shows how truly desperately pathetic people have become. This needs to be stopped and the ones who brought it to order should face sever punishment. Cowards should be brought to justice and to a truthful community knowledge



**Lewis Tanzos**

August 1, 2020 at 11:16 am

I love that this article is full of lies and spin. The part about them wanting the entire archive destroyed is GREAT! Too bad the lawsuit is a public document

<https://assets.documentcloud.org/documents/6935704/4388-1.pdf> where anyone can read that they just want you to stop distributing works that they own.

Makes me think you're trying to hide something. Like the fact that this whole scheme is illegal, but you're trying to overturn copyright by courting public opinion.

**Cornelius Ernie Yohe Jr**

August 1, 2020 at 3:07 pm

The Plaintiffs are just plain nilly willy Ja??s, plain and simple. Copyright infringement isn't occurring here... what is occurring here, is the ability to access books that are no longer available (majority) or are simply too expensive for a local library to afford purchasing and placing on it's shelf (medium), or that the book isn't kept in stock for purchase (minority). The IA does NOT lend pirated copies of books, but rather lend out books that THEY (the IA) purchased (regardless of format) or recieved as a donated book. Some books are even from other libraries (Interloan Library Service). All the publishers care about is making money for themselves first and foremost, secondly for the authors. They (the Plaintiffs) need to get their heads out of their a??s and wake up before it's too late. The service of the IA is tremendously of value to the public, as it offers something that even the local libraries can't...Digital Lending! I've read several comments, and see that they're lots of people that agree with what I'm saying (about the IA), and I stand with you. To the Plaintiffs, you're cold hearted and don't seem to care about the public, but yourselves only. You're not losing money, so get out of here.

Pingback: [Tech roundup 84: a journal published by a bot - Javi López G.](#)

**Charles Moore**

August 2, 2020 at 4:27 am

I was able to earn a decent wage (laborer) for many years. The cost of living has always been an impediment when it came time to purchase anything. There are many millions of people around the world that will never have as much as I have been blessed with. I cringe when I read books, newspapers, and yes digital sources, of the inequities of the world we live in. It has always been so, and will continue. Why, take your pick, governments, big business, or simply because there are so many to whom enough is never enough.

**[Diethard Ande](#)**

August 2, 2020 at 8:58 am

In the past a library had to buy a book and then lent it out. And that were many libraries who bought a copy. The readers were limited, unless the library bought multiple copies. At the university library were only a few copies available and they were always out and we had to buy our own copies to have the book always available. Now some big institutions scan books without permission and then let customers download it and the publisher and author gets nothing  
If a book was used as textbook the class had to buy multiple copies. Now this sale is gone. Is that fair?  
If that is not a copyright violation, I do not know what is.



August 2, 2020 at 9:14 am

I want to thank you sincerely for your website and lending library because in our place we can't use public library or we have rare materials so we couldn't ever access to good media, and nevertheless we cant use printed media during this pandemic. May all of these problems be solved and internet archive achieve the best place between other libraries.

**L**

August 2, 2020 at 2:53 pm

Where they burn books, they will, in the end, burn human beings too.”

**Robert H. Allen**

August 2, 2020 at 7:05 pm

As an author, musician and educator I understand the Publishers concerns. Authors, artists and musicians need to be paid for their work. I am also aware that in many countries such as in SE Asia where I am currently there are no physical, Public Libraries as we in the west know them. Many Third world countries do not have the resources or educational infrastructures to support free standing libraries as of yet. So I believe there has to be a fair and equitable balance for both sides of these issues. There are still millions of uneducated and therefore illiterate people struggling to learn around the world.

**Héctor Lizárraga Vencis**

August 2, 2020 at 7:08 pm

Increíble que la voracidad financiera de las casas editoras no alcance a comprender el daño que le hacen , no solamente a las personas que, en caso de que ganaran esta demanda, afectaría como l las personas con problemas para leer, sino a toda la humanidad. Debemos de entender que el conocimiento es un derecho universal y no un privilegio para los que puedan pagar, y en este caso lucrar con el conocimiento.

Apoyamos a Archive.org en su respuesta y les pedimos que convoquen a que hy¿untemos firmas y otras acciones en favor de este derecho y noble acción de Archive.Org.

Cuenten con nosotros para lo que sea...

**Andrew Buxton**

August 2, 2020 at 7:08 pm

I wonder how many authors have been able to write their books without being able to use libraries.



Pingback: [Khrys'presso du lundi 3 août 2020 – Framablog](#)



**Marlin**

August 3, 2020 at 2:26 pm

This was posted on a previous blog post; reposting for visibility. The court docket is available at <https://www.courtlistener.com/docket/17211300/hachette-book-group-inc-v-internet-archive/>.

Commercial publishers' complaint:

<https://archive.org/download/gov.uscourts.nysd.537900/gov.uscourts.nysd.537900.1.o.pdf>

Internet Archive's response:

<https://archive.org/download/gov.uscourts.nysd.537900/gov.uscourts.nysd.537900.33.o.pdf>



**Capptain Mark**

August 4, 2020 at 6:29 pm

I love books and virtual library both.



**IWACHI**

August 4, 2020 at 11:00 pm

I think that you had better spin off the “Archive” portion of your organization as an entirely separate entity immediately or there's a very good chance you're going to be forced to shut it down when you lose this case – which would be a major loss for the entire world. You don't stand a snowball's chance in Hell of winning IMNSHO. The Archive and the out-of-copyright book library are two of the greatest things ever invented in the history of publishing in my opinion; it was very stupid of you to endanger your entire operation by making modern copyrighted works available to everyone for free. What don't you (and your crazy lawyers) understand about living in a capitalist nation-state? Only under socialism would it be possible to legally set up an operation like Open Library – and even then you might face tremendous pushback from creators and copyright holders of artworks of all kinds who want to control how their works are displayed and distributed – and how they get paid for their hard work. Good luck extricating yourselves from this shit-hole you threw yourselves into.



**AI**

August 5, 2020 at 10:18 am

The archive is a great source of old books when it comes to out of date works that no longer hold copyright. The media state the case seems to focus primarily on the National Emergency Library of the archive and it's lifting of restrictions on these publisher's works that have been uploaded to the archive without permission. “The publishers contended that initially the books were made available to the customer for a period of 14 days however with the Covid-19 situation the internet archive lifted such restrictions and allowed the access till the

end of health crisis'. Another part of the argument may be that a 'traditional library usually pays licensing fees to the publishers' whereas if the archive definitely doesn't, I suspect the case will swing in four publisher's favour. At best I can see the lending of books back to becoming more limited at this time, at worst, all the books owned or having any links to these publishers being removed from archive

**Ro Sands**

August 6, 2020 at 3:19 pm

I had suggested to Internet Archive to have a small monthly fee to borrow books .  
It would help support Internet Archive and it would enable the authors to get some money also for borrowing their books, but I never heard anything back from Internet Archive on my suggestion.  
I don't mind paying a membership fee.

**Sea**

August 6, 2020 at 7:02 pm

Bricks n mortar libraries in and around my town closed in March 2020 and have yet to open. They do have some digital content available but not a lot. Publishing houses are much like the auto industry forcing us to hang on to out moded ways when better ways exist to fuel an engine. Same with publishing...change, innovate or perish. There are better ways to publish, market, and get content to the masses, which is why self-publishing and smaller independents have been on the rise. No need to keep propping up an old business model, those publishers need to wake up.

**James Clark**

August 12, 2020 at 2:05 am

The Controlled Digital Lending acts just like a library but adapted to the actual times in which we are living... instead of using hard physical copies of the books, it uses digital ones but the model of distribution is restricted just like with the brick and mortar libraries. It makes no sense to deny them from adapting and keeping up with the current times.

Comments are closed.